

Remarks/Arguments

The foregoing amendments and these remarks are in response to the final Office Action, dated August 20, 2010. The Commissioner is authorized to charge any fees which may be required in connection with this response to Deposit Account No. 14-1437.

At the time of the Office Action, claims 1-10, 13-20, 23-24 and 26 were pending in the application. Claims 1-10, 14, 20, 23-24 and 26 were withdrawn. Claims 13 and 15-19 were rejected. Specifically, claims 15-19 were rejected under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,655,735 to Sakakibara ("Sakakibara1") in view of U.S. Patent No. 3,016,755 to Dittrich ("Dittrich"). Claims 15-19 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,545,779 to Sakakibara ("Sakakibara2"). The rejections will be addressed in turn below.

Claim Rejections – 35 U.S.C. 112

As noted above, claims 15-19 were rejected under 35 U.S.C. 112, ¶2, as being indefinite. In particular, the Examiner noted that the recitation of "the pillar" in claim 15, line 3 lacks sufficient antecedent basis. Applicant notes that there is no recitation of "the pillar" in the noted portion of claim 15, nor anywhere else in that claim. Therefore, the basis of the rejection is not clear to Applicant. Applicant notes that claim 18, which depends from claim 15, recited "the pillar." However, in light of the amendments above, this recitation has been deleted from the claim. Accordingly, Applicant respectfully requests reconsideration and removal/clarification of this rejection.

Claim 13

Again, claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara1 in view of Dittrich. It is respectfully submitted that the rejection is not well founded. As will be explained in greater detail below: (a) Sakakibara1 is not properly

combinable with Dittrich and (b) assuming *arguendo* that Sakakibara1 can be combined with Dittrich, the combination does not teach each and every recitation of claim 13, as amended.¹

Sakakibara1 discloses an endless driving belt having a plurality of links, a plurality of primary blocks, a plurality of pins, and a plurality of secondary blocks. As described in column 1, lines 54-68, the input pulley clamps the secondary block Bb1 to transmit a torque, and the secondary block Bb1 urges the pin P2 through the primary block Ba1. The torque is then transmitted from the pin P2 to the output pulley by a chain mechanism 2. The pin P1 receives a force or outward concentrating load applied to expel the secondary block Bb1 radially and outwardly.

The pulling force by the torque transmitted from the input pulley causes the pin P3 to be pulled and the primary block Ba2 to be urged, so that the primary block allows the torque to be transmitted to the output pulley clamping the secondary block Bb3. Accordingly, Sakakibara1 discloses a pulling type of CVT (Continuously variable Transmission).

The block 22 of Sakakibara1 contacts conical contact surfaces 6 of the pulley at opposite sides 21a, 21b thereof as shown in Fig. 6. However, the block 22 does not have a ridge line functioning as an oil film breaking portion recited in claim 13. This is totally different from the push block system recited in claim 15 in which the block is used for a push type of CVT. As can be seen from the amended claim 13, driving forces from a pulley are transmitted between adjacent push blocks as a pressure, and the band is functioned as a guide for the push blocks. This point is also totally different from the pull type of the Sakakibara1 device.

In the Office Action, the Examiner takes the position that "DITTRICH teaches a front half of the contact surface (Fig. 5) forms an obtuse angle with a front surface of the push block (8,9), and a rear half of the contact surface (Fig. 5) forms an obtuse angle with a rear surface (15) of the push block, and a ridge line (X) comprising a line formed by an intersection of said front half and said rear half, said ridge line functioning as an oil film breaking portion for breaking an oil film, ..." However, Fig. 5 of Dittrich shows a link 1 (Fig. 3) having curved contact surfaces

¹ The amendments presented herein have been made *solely* to expedite prosecution of the instant application to allowance and should not be construed as an indication of Applicant's agreement with or acquiescence to the Examiner's position. Accordingly, Applicant expressly maintains the right to pursue broader subject matter through subsequent amendments, continuation or divisional applications, reexamination or reissue proceedings, and all other available means.

8, 9, 15 that contact a contact surface of a pulley. It seems to be a ridge line on X-X line of Fig. 5. However, the line is formed by an intersection of an upper half and a lower half of the contact surface and extends in the thickness direction of the link. Accordingly, this is totally different from the claimed ridge line that is formed by an intersection of the front half and the rear half of the block.

In addition, the belt disclosed by Dittrich comprises a plurality of link pieces 1 and a plurality of pins that connect the link pieces 1. This is used for the pull type of CVT. Therefore, it is totally different from the claimed push type.

Further, Fig. 5 of Dittrich shows the contact surfaces 8, 9, 15 illustrated by curved lines, but does not show entire contact surfaces and does not show an angle between the front half of the contact surface and the front surface of the push block and an angle between the rear half of the contact surface and the rear surface of the push block.

Accordingly, a person of ordinary skilled in the art would not have combined Sakakibara1 and Dittrich, as proposed by the Examiner. Indeed, the claimed push block system could not have been easily achieved by a person with ordinary skill in the art if combining Sakakibara1 and Dittrich.

Thus, for at least the reasons set forth above, it is respectfully submitted that the rejection of claim 13 is traversed. Reconsideration and removal of the rejection is respectfully requested.

Claim 15

As noted above, claim 15 was rejected under 35 U.S.C. 102(b) as being anticipated by or, alternatively, under 35 U.S.C. 103(a) as being obvious over Sakakibara2. It is respectfully submitted that the rejection is not well founded because, as will be explained in greater detail below, Sakakibara2 fails to teach each and every recitation of claim 15, as amended.²

Sakakibara2 discloses an endless driving belt used for a pull type of CVT and having a plurality of links, a plurality of blocks, and a plurality of pins like in Sakakibara1.

² The amendments presented herein have been made solely to expedite prosecution of the instant application to allowance and should not be construed as an indication of Applicant's agreement with or acquiescence to the Examiner's position. Accordingly, Applicant expressly maintains the right to pursue broader subject matter through subsequent amendments, continuation or divisional applications, reexamination or reissue proceedings, and all other available means.

In the Office Action, the Examiner states that "SAKAKIBARA2 teaches 'a front portion of the contact surface forming an obtuse angle with a front surface of the push block (1), and a groove (3) extending along the entire length of the contact surface at the middle of the contact surface (2), wherein an inner wall of the groove and the contact surface defines the ridge line that functions as the oil film breaking portion, which forms on the inner side surfaces of the annular V-grooves of the pulleys (see Fig. 3).'

However, Fig. 3 of Sakakibara2 is a cross sectional view so that the front portion of the contact surface cannot be shown. In addition, Fig. 3 of Sakakibara2 shows a trapezoidal metallic block 1 having a slanted contact surface 2 contacting a conical contact surface of a pulley and a groove 3 located at the middle of the slanted surface, but Sakakibara2 does not disclose and teach the claimed ridge line functioning as an oil film breaking portion located on the contact surface of the block 1. The groove 3 of Sakakibara2 extends along a thickness direction of the block 1 and is different from the claimed groove extending along the entire length of the contact surface in substantially the lengthwise direction that is a direction intersecting the thickness direction.

Further, Sakakibara2 does not disclose a metal endless band having at least one layer for engaging and superimposing the push blocks in a mutual contact state.

Accordingly, the invention set forth in claim 15 is distinguishable over Sakakibara2. As mentioned above, the belt disclosed in each reference is used for a pull type of CVT and thus it is totally different from the claimed push type of belt in their operational principles.

For at least the above reasons, Sakakibara2 fails to disclose each and every element of claim 15. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 15.

Claims 16-19

Claims 16-19 depend either directly or indirectly from claim 15; consequently, each of these claims includes all of the recitations of claim 15. 35 U.S.C. § 112, ¶4. Because claim 15 is distinguishable over the applied art, claims 16-19 are necessarily distinguishable over the applied art for at least the reasons set forth in connection with claim 15 above.

Conclusion

In light of the foregoing, it is respectfully submitted that the objections and rejections set forth in the Office Action have been overcome. Accordingly, Applicant respectfully requests reconsideration of the application in light of the above amendments and remarks, removal of the claim objections, withdrawal of the rejections under 35 U.S.C. §§ 102, 103 and 112, allowance of the pending claims, and prompt issuance of a Notice of Allowance. If any issues remain outstanding after consideration of this Amendment, Applicants invite the Examiner to call the undersigned (561-847-7808) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

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